

¶105.7 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, September 29, 1999.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

Mr. VITTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">{</div> <div style="display: inline-block; vertical-align: middle;"> Yeast 362 Nays 52 Answered present 1 </div> </div>

¶105.8 [Roll No. 461] YEAS—362

Abercrombie	Condit	Granger
Ackerman	Conyers	Green (TX)
Allen	Cook	Green (WI)
Andrews	Cooksey	Greenwood
Archer	Cox	Gutierrez
Armey	Coyne	Hall (OH)
Bachus	Cramer	Hall (TX)
Baker	Crowley	Hansen
Baldacci	Cummings	Hastings (WA)
Baldwin	Cunningham	Hayes
Ballenger	Davis (FL)	Hayworth
Barcia	Davis (IL)	Herger
Barr	Davis (VA)	Hill (IN)
Barrett (NE)	Deal	Hill (MT)
Barrett (WI)	DeGette	Hilleary
Bartlett	Delahunt	Hinojosa
Barton	DeLauro	Hobson
Bass	DeMint	Hoeffel
Bateman	Deutsch	Hoekstra
Bentsen	Diaz-Balart	Holden
Bereuter	Dicks	Holt
Berkley	Dingell	Horn
Berman	Dixon	Hostettler
Berry	Doggett	Hulshof
Biggert	Dooley	Hunter
Bilirakis	Doolittle	Hutchinson
Bishop	Doyle	Hyde
Blagojevich	Dreier	Insee
Bliley	Duncan	Isakson
Blumenauer	Dunn	Istook
Blunt	Edwards	Jackson (IL)
Boehlert	Ehlers	Jackson-Lee
Boehner	Ehrlich	(TX)
Bonilla	Emerson	Jenkins
Bono	Engel	John
Boswell	Eshoo	Johnson (CT)
Boucher	Etheridge	Johnson, Sam
Boyd	Evans	Jones (NC)
Brady (TX)	Everett	Jones (OH)
Brown (FL)	Ewing	Kanjorski
Brown (OH)	Farr	Kaptur
Bryant	Fletcher	Kasich
Burr	Foley	Kelly
Burton	Forbes	Kennedy
Buyer	Fossella	Kildee
Callahan	Fowler	Kilpatrick
Calvert	Frank (MA)	Kind (WI)
Camp	Franks (NJ)	King (NY)
Campbell	Frelinghuysen	Kingston
Canady	Frost	Klecza
Cannon	Gallegly	Knollenberg
Capps	Ganske	Kolbe
Cardin	Gejdenson	Kuykendall
Carson	Gekas	LaFalce
Castle	Gilchrest	LaHood
Chabot	Gilman	Lampson
Chambliss	Gonzalez	Lantos
Clayton	Goode	Largent
Clement	Goodlatte	Larson
Clyburn	Goodling	Latham
Coble	Gordon	LaTourette
Coburn	Goss	Lazio
Combest	Graham	Leach

Lee	Oxley	Shuster
Levin	Packard	Simpson
Lewis (CA)	Pallone	Sisisky
Lewis (GA)	Pascarell	Skeen
Lewis (KY)	Pastor	Skelton
Linder	Payne	Slaughter
Lipinski	Pease	Smith (MI)
Lofgren	Pelosi	Smith (NJ)
Lowey	Peterson (PA)	Smith (TX)
Lucas (KY)	Petri	Smith (WA)
Lucas (OK)	Phelps	Snyder
Luther	Pickering	Souder
Maloney (CT)	Pitts	Spence
Maloney (NY)	Pombo	Spratt
Manzullo	Pomeroy	Stabenow
Markey	Porter	Stearns
Martinez	Portman	Stenholm
Mascara	Price (NC)	Strickland
Matsui	Pryce (OH)	Stump
McCarthy (MO)	Quinn	Sununu
McCarthy (NY)	Radanovich	Talent
McCollum	Rahall	Tanner
McCrery	Rangel	Tauscher
McGovern	Regula	Tauzin
McHugh	Reyes	Taylor (NC)
McInnis	Reynolds	Terry
McIntosh	Riley	Thomas
McIntyre	Rivers	Thornberry
McKinney	Rodriguez	Thune
Meehan	Roemer	Tiahrt
Meek (FL)	Rogan	Tierney
Menendez	Rogers	Toomey
Metcalfe	Rohrabacher	Towns
Mica	Ros-Lehtinen	Trafficant
Millender-	Rothman	Turner
McDonald	Roukema	Upton
Miller (FL)	Roybal-Allard	Vitter
Miller, Gary	Royce	Walden
Minge	Rush	Walsh
Mink	Ryan (WI)	Wamp
Moakley	Ryun (KS)	Watkins
Mollohan	Salmon	Watt (NC)
Moran (VA)	Sanchez	Watts (OK)
Morella	Sanders	Waxman
Murtha	Sandlin	Weiner
Myrick	Sanford	Weldon (FL)
Napolitano	Saxton	Wexler
Neal	Schakowsky	Weygand
Nethercutt	Scott	Whitfield
Ney	Sensenbrenner	Wicker
Northup	Serrano	Wilson
Norwood	Sessions	Wise
Nussle	Shadegg	Wolf
Obey	Shaw	Woolsey
Oliver	Shays	Wynn
Ortiz	Sherman	Young (AK)
Ose	Sherwood	Young (FL)
Owens	Shimkus	
	Shows	

NAYS—52

Aderholt	Hefley	Sawyer
Baird	Hilliard	Schaffer
Blibray	Hinchey	Stark
Borski	Hoyer	Stupak
Brady (PA)	Johnson, E. B.	Sweeney
Capuano	Klink	Taylor (MS)
Clay	Kucinich	Thompson (CA)
Costello	LoBiondo	Thompson (MS)
Crane	McDermott	Thurman
Dickey	McNulty	Udall (CO)
English	Miller, George	Udall (NM)
Fattah	Moore	Velazquez
Filner	Moran (KS)	Vento
Ford	Oberstar	Visclosky
Gibbons	Peterson (MN)	Waters
Gillmor	Pickett	Weller
Gutknecht	Ramstad	
Hastings (FL)	Sabo	

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—18

Becerra	DeFazio	McKeon
Bonior	DeLay	Meeks (NY)
Chenoweth	Gephardt	Paul
Collins	Hooley	Scarborough
Cubin	Houghton	Weldon (PA)
Danner	Jefferson	Wu

So the Journal was approved.

¶105.9 NATIONAL TRANSPORTATION SAFETY BOARD

The SPEAKER pro tempore, Mr. QUINN, pursuant to House Resolution 312 and rule XVIII, declared the House resolved into the Committee of the

Whole House on the state of the Union for the consideration of the bill (H.R. 2910) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and for other purposes.

The SPEAKER pro tempore, Mr. QUINN, by unanimous consent, designated Mr. BARRETT of Nebraska as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. ROGAN, assumed the Chair.

When Mr. BARRETT of Nebraska, Chairman, pursuant to House Resolution 312, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Transportation Safety Board Amendments Act of 1999".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

“§ 1101. Definitions

“Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term ‘accident’ includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.”.

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) IN GENERAL.—Section 1113(b)(1)(I) is amended to read as follows:

“(I) negotiate and enter into agreements with private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of technical services or training in accident investigation theory and technique, and require that such entities provide appropriate consideration for the reasonable costs of any goods, services, or training provided by the Board.”.

(b) DEPOSIT OF AMOUNTS.—Section 1114(a) is amended—

(1) by inserting “(1)” before “Except”; and

(2) by adding at the end the following:

“(2) The Board shall deposit in the Treasury amounts received under paragraph (1). Such amounts shall be available to the Board as provided in appropriations Acts.”.

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

“(g) OVERTIME PAY.—

“(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS-10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the

employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

"(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

"(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1), for work performed in a calendar year, in a total amount that exceeds \$570,000.

"(4) BASIC PAY DEFINED.—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

"(5) ANNUAL REPORT.—Not later than January 31, 2001, and annually thereafter, the Board shall transmit to Congress a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year and the number of employees whose overtime pay under this subsection was limited in such fiscal year as a result of the 15 percent limit established by paragraph (2)."

SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) in the subsection heading by striking "VOICE";

(2) in paragraphs (1) and (2) by striking "cockpit voice recorder" and inserting "cockpit voice or video recorder"; and

(3) in the second sentence of paragraph (1) by inserting "or any written depiction of visual information" after "transcript".

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

"(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

"(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

"(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

"(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

"(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations."

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking "and (e)" and inserting "(d), and (f)".

(c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

(A) in the section heading by striking "cockpit voice and other material" and inserting "cockpit and surface vehicle recordings and transcripts";

(B) in subsection (a)—

(i) by striking "cockpit voice recorder" each place it appears and inserting "cockpit or surface vehicle recorder";

(ii) by striking "section 1114(c)" each place it appears and inserting "section 1114(c) or 1114(d)"; and

(iii) by adding at the end the following:

"(6) In this subsection—

"(A) the term 'recorder' means a voice or video recorder; and

"(B) the term 'transcript' includes any written depiction of visual information obtained from a video recorder."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

"1154. Discovery and use of cockpit and surface vehicle recordings and transcripts."

(d) REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.—Section 329 is amended by adding at the end the following:

"(e) REQUIREMENTS FOR INSTALLATION AND USE OF RECORDING DEVICES.—A requirement for the installation and use of an automatic voice, video, or data recording device on an aircraft, vessel, or surface vehicle shall not be construed to be the collection of information for the purpose of any Federal law or regulation, if the requirement—

"(1) meets a safety need for the automatic recording of realtime voice or data experience that is restricted to a fixed period of the most recent operation of the aircraft, vessel, or surface vehicle;

"(2) does not place a periodic reporting burden on any person; and

"(3) does not necessitate the collection and preservation of data separate from the device."

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking "(2) An investigation" and inserting "(2)(A) Subject to the requirements of this paragraph, an investigation"; and

(2) by adding at the end the following:

"(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

"(C) If a law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under paragraph (1)(A) through (D) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved."

(b) REVISION OF 1977 AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking "1134(b)(2)" and inserting "1134(a), (b), (d), and (f)".

SEC. 8. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

"§ 1137. Authority of the Inspector General

"(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

"(b) DUTIES.—In carrying out this section, the Inspector General shall—

"(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

"(2) issue findings and recommendations for actions to address such problems; and

"(3) report periodically to Congress on any progress made in implementing actions to address such problems.

"(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section."

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following:

"1137. Authority of the Inspector General."

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) is amended to read as follows:

"(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter \$57,000,000 for fiscal year 2000, \$65,000,000 for fiscal year 2001, and \$72,000,000 for fiscal year 2002. Such sums remain available until expended."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ROGAN, announced that the yeas had it.

Mr. DUNCAN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 420
Nays 4

1105.10

[Roll No. 462]

YEAS—420

Abercrombie	Barcia	Biggert
Ackerman	Barr	Bilbray
Aderholt	Barrett (NE)	Bilirakis
Allen	Barrett (WI)	Bishop
Andrews	Bartlett	Blagojevich
Archer	Barton	Bliley
Armey	Bass	Blumenauer
Bachus	Bateman	Blunt
Baird	Bentsen	Boehert
Baker	Bereuter	Boehner
Baldacci	Berkley	Bonilla
Baldwin	Berman	Bonior
Ballenger	Berry	Bono